

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)	
On Its Own Motion)	
)	
Consideration of the Federal Standard on)	06-0525
Interconnection in Section 1254 of the)	
Energy Policy Act of 2005)	

**COMMENTS OF COMMONWEALTH EDISON COMPANY
ON THE ISSUE OF A POTENTIAL TIME REQUIREMENT**

The Administrative Law Judge has requested comments on the issue of whether certain recent legislation imposes any obligations on the Commission with respect to matters that are appropriately the subject of this docket – i.e., the interconnection of small generators to electric utility’s distribution facilities in ICC-jurisdictional contexts.

PA 95-420 added a new section to the Public Utilities Act, Section 16-107.5, entitled “Electricity Net Metering”. Subsection (h) provides:

(h) Within 120 days after the effective date of this amendatory Act of the 95th General Assembly, the Commission shall establish standards for net metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system. The interconnection standards shall address any procedural barriers, delays, and administrative costs associated with the interconnection of customer-generation while ensuring the safety and reliability of the units and the electric utility system. The Commission shall consider the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 and the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation.

The operative question for consideration in this case is whether the Commission is required to do anything specific within the 120 day time period with respect to standards for interconnection of “eligible renewable generating equipment”. ComEd believes that it is not.

By its terms, the 120-day mandate requires Commission action on interconnection standards only “if the Commission has not already acted on its own initiative”. The mandate does not apply in this case because the Commission has “already acted on its own initiative.” This law became effective on August 24. On July 25, a date after the language of the bill was set (it having passed the General Assembly on May 31 and been sent to the Governor for signature on June 29), the Commission adopted its Interim Order in this proceeding.

In that Order, the Commission adopted IEEE Standard 1547, with a certain condition, as the technical standard for the interconnection of all generators that are not larger than 10 MVA. In addition, the Commission found that the parties to the docket have been engaged in workshops to discuss and to try to reach consensus about ancillary issues dealing with procedures and the implementation of the standard. These discussions are considering the very matters required by the statute to be considered – i.e., “the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation”. The Commission’s clear intent is that it would be appropriate for further orders relating to those other issues to await the results of the workshop process.

Thus, by the time this law became effective, the Commission had already acted on its own initiative (1) to consider and adopt IEEE Standard 1547 as the technical standard for interconnection and (2) to conduct a process whereby other factors required by the statute to be considered are, in fact, considered. In other words, the Commission had proceeded on its own initiative toward the very results contemplated by the statute.


Some might argue that the condition – “if the Commission has not already acted on its own initiative” – would be fulfilled only if the Commission has completed the checklist of items required in the absence of the condition, including completing its consideration of “the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation.” If that were the case, however, there would have been no need to put the condition in at all. Then the only way for the Commission to comply with the statute would have been to complete all the stated items in 120 days. Thus, this interpretation of limited applicability of the condition actually renders it completely meaningless.

Finally, however, even if the Commission concludes that the statute requires it to complete its consideration of interconnection practices in 120 days, it should be clear that the requirement would apply at most to potential net metering situations – i.e., “renewable” generators no larger than 2000 kW capacity, located on the customer’s premises, and intended primarily to offset the customer’s load requirements. Subsection (h) speaks of “standards for the interconnection of eligible renewable generating *equipment*”. The statute does not define that term. In subsection (b), it does define “eligible renewable electric generating *facility*” without reference to size or application. However, the statute limits potential net metering applications by defining “eligible *customer*” to whom net metering must be offered, by reference to generator size and intended use limitations. Because the subsection (h) obligations with respect to interconnection standards are embedded in a stand-alone section of the Public Utilities

Act labeled “Net electricity metering”, it would be completely inappropriate to interpret them as applying to situations other than those involving net metering.

In conclusion, the PA 95-421 requirement for the Commission to establish standards for interconnection within 120 days does not apply because the Commission had already acted on its own initiative to adopt IEEE Standard 1547 as the technical standard for the interconnection of small generators and commenced a workshop process which is considering “the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation”. Further, even if the Commission concludes that the statute requires it to complete its consideration of interconnection practices in 120 days, that requirement would apply at most to potential net metering situations – i.e., “renewable” generators no larger than 2000 kW capacity, located on the customer’s premises, and intended primarily to offset the customer’s load requirements.

Respectfully submitted,
COMMONWEALTH EDISON COMPANY

By 

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CERTIFICATE OF SERVICE

I, Michael Pabian, hereby certify that I have served a copy of the above Comments of Commonwealth Edison Company on the Issue of a Potential Time Requirement on the parties to this proceeding by electronic mail, this 17th day of September, 2007.

